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Appl. No. 09/152,266

November 12, 2003

REMARKS/ARGUMENTS

Claims 1, 6-9 and 11-21 stand rejected, with claims 2-5 and 10 objected to in the outstanding Official Action. Claims 6-9 and 11-19 have been amended to ultimately depend from claim 2 which has been indicated as containing allowable subject matter. Additionally, claims 1, 20 and 21 have been cancelled without prejudice and newly written claims 22-41 offered for consideration. Accordingly, claims 2-19 and 22-41 are the only claims remaining in this application.

The Examiner's acknowledgment of applicant's claim for priority and receipt of the certified copy of the priority document is very much appreciated. Additionally, the Examiner's consideration of the prior art submitted with applicant's Information Disclosure Statements is very much appreciated.

The Patent Office objects to the arrangement of the specification. It is appreciated that the Examiner has brought the arrangement of the specification to the applicant's attention. It is noted that the objection to the arrangement appears to be an indication that the originally filed specification and drawings (transmitted from WIPO) does not meet the formality requirements of the U.S. Patent and Trademark Office. The Patent Office is reminded that the U.S. Patent and Trademark Office must comply with all articles of the Patent Cooperation Treaty (PCT) including Article 27. It has been held that:

"if the rule and interpretation of the PTO conflicts with the PCT, it runs afoul of Article 27 of the PCT which provides in part:

- (1) No national law shall require compliance with requirements relating to the form or contents of the international application different from or additional

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to those which are provided for in this Treaty and the Regulations."
Caterpillar Tractor v. Commissioner, 231 USPQ 590, 591 (EDVA 1986).

The Patent Office has referenced this decision in the Official Gazette dated September 9, 1986 (1070 TMOG 5).

As a consequence, the Patent Office (including the Chief Draftsman's Office) may not require specification format changes as long as the originally submitted documents comply with the PCT requirements. Inasmuch as this specification was forwarded by WIPO, by definition, it meets the PCT requirements (it is not forwarded until it meets PCT requirements.). Therefore, the objection to the specification is respectfully traversed and reconsideration thereof is respectfully requested.

Notwithstanding the above, applicant has added headings and subheadings to the specification. Corrected formal drawings are included herewith.

Claim 2 is objected to, with the Examiner indicating that the word "realises" is believed to be misspelled. This contention is respectfully traversed, as most U.S. dictionaries list the spelling with an "s" as an alternative spelling of the word conventionally spelled with a "z." Thus, it is not believed necessary to correct the spelling of the word. However, in deference to the Examiner's preference for a spelling with a "z" applicant has amended claim 2.

Claim 21 is objected to due to alleged informalities. Claim 21 has been cancelled without prejudice.

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In view of the above, all objections to the pending claims have been corrected or mooted, obviating any further objection to the claims in this application.

Claims 1, 6-9 and 13-15 stand rejected under 35 USC §102 as being anticipated by Jennings (U.S. Patent 4,796,178). The dependency of claims 6-9 and 13-15 has been amended to depend from claim 2 which is indicated as containing allowable subject matter in paragraph 26 of the outstanding Official Action. Additionally, claim 1 has been cancelled without prejudice. Therefore, the rejection regarding claim 1 has been mooted and claims 6-9 and 13-15 depend from allowable claim 2. Therefore, the rejection discussed at sections 6-14 of the Official Action has been obviated.

Claims 17 and 18 stands rejected under 35 USC §102 as anticipated by Jennings. The subject matter of claims 17 and 18 has been rewritten in newly written claims 39 and 41, but ultimately dependent from claim 2 and therefore claims 38 & 39 are believed to be allowable. Present claim 17 has been amended to depend from newly written claim 22 and claim 18 dependent upon claim 17 is also therefore dependent from claim 22. These claims are therefore believed clearly patentable over the Jennings reference. The rejection of claims 17 and 18 as being dependent from claim 1 has been obviated, in that claim 1 has been cancelled without prejudice but pending claim 17 is now dependent upon newly written claim 22. Accordingly, any further rejection of claims 17 and 18 as being anticipated by Jennings is respectfully traversed.

Claims 19-21 stand rejected under 35 USC §102 as being anticipated by Jennings. While claims 20 and 21 have been cancelled with ut prejudice, claim 19, previously

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dependent from claim 1, has been amended to depend from newly written claim 22. As such, claim 19 is clearly patentable over the Jennings reference.

Claims 11 and 12 stand rejected under 35 USC §103 as obvious over Jennings in view of Bass (U.S. Patent 5,487,170). The subject matter of claims 11 and 12 has been amended to depend directly from claim 2 which the Examiner indicates contains allowable subject matter. Accordingly, claims 11 and 12 are believed patentable over the Jennings/Bass combination.

Claim 16 stands rejected under 35 USC §103 as being unpatentable over Jennings. Again, claim 16, previously dependent from cancelled claim 1, has now been amended to depend from allowable claim 2. Accordingly, claim 16 is clearly patentable over the Jennings reference.

As noted above, the Examiner's indication of allowable subject matter in independent claim 2 and claims 3-5 and 10 dependent thereon is very much appreciated. The minor spelling change in claim 2 has been made above, and therefore claim 2 and all claims dependent thereon are believed patentable. Claims 3-16 have been amended to be directly or indirectly dependent from claim 2 and are therefore believed to be patentable over the prior art of record.

With respect to applicant's newly written independent claim 22 and independent claim 23, it is noted that the Jennings reference, as shown in Figure 1, only has a single task control processor 13 which serves multiple processors, i.e. processors 10 and I/O processor 11. Applicant's claims 22-24 recite an activity scheduler comprising an

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integrated circuit for supporting data and multi-tasking for the processor where the integrated circuit supports a control node mechanism comprising a set of stim-wait channels. Each of the recited stim-wait channels incorporates holding means to hold a pair of control variables for one of the activities being controlled, with the integrated circuit further incorporating next activity logic to identify each activity that is ready to run on the processor. None of these features are believed to be present in the Jennings patent.

Dependent claims 25-34 are all dependent directly from claim 24 and newly written claim 35 is identical to newly written claim 29, except its dependency is from newly written claim 22 instead of newly written claim 24.

Applicant has added two method claims 36 and 37 for consideration. Additionally, applicant includes claims 38 and 39 which are like amended claim 17 but dependent from new claim 23 and original claim 2. The same is true with newly written claims 40 and 41, in that they are similar to claim 18 but dependent upon newly written claim 38 and newly written claim 39.

Entry and consideration of applicant's newly written claims 22-41 is respectfully requested.

Having responded to all objections and rejections set forth in the outstanding Official Action, it is submitted that pending claims 2-19 and 22-41 are in condition for allowance and notice to that effect is respectfully solicited. In the event the Examiner is

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of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact applicant's undersigned representative.

Respectfully submitted,

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